

J.L. SPEARS, INC. OF SHERMAN

CONTRACT NO. V101DC-0062

**VABCA-4016**

VA MEDICAL CENTER  
BONHAM, TEXAS

***Herman M. Braude, Esq.***, Braude & Margulies, P.C., Washington, D.C., for the Appellant.

***John M. Manfredonia, Esq.***, Trial Attorney; ***Phillipa L. Anderson, Esq.***, Deputy Assistant General Counsel; and ***William E. Thomas, Jr., Esq.***, Assistant General Counsel, Washington, D.C., for the Department of Veterans Affairs.

### **ORDER DISMISSING APPEAL**

1. The Board has been advised that the parties wish to withdraw the appeal arising under Contract No. V101DC-0062. Based on the parties' Joint Motion, it is clear that VABCA-4016 was prematurely appealed to the Board since the final decision was issued in response to a request for an equitable adjustment, and not in response to a claim. Under the *Contract Disputes Act*, 41 U.S.C. § 607, this Board does not have jurisdiction over an appeal unless the Contractor has submitted a claim to the Contracting Officer.

2. Accordingly, the appeal of J.L. Spears, Inc. of Sherman, VABCA4016, is hereby dismissed for lack of jurisdiction under Board Rule 5.

DATE: **June 14, 1994**

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GUY H. McMICHAEL III  
Chief Administrative Judge